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Notice to Contractors

The **City of San Jose** invites responsible design-build contractors to submit sealed written bids for:

Design-Build and Servicing of

FUEL CELL SYSTEM

In accordance with and as described and provided in the Plans and Specifications thereof and the proposed form of contract and service agreement thereof, all of which are on file in the Office of CIP Engineering, San Jose/Santa Clara Water Pollution Control Plant, Environmental Services Department and the City Clerk of the City, and which are made a part hereof. The City anticipates awarding two contracts hereunder.

- Turnkey Design-Build contract for which payment will be made upon project completion and acceptance of PG&E certification as stated in the specification; and
- Five (5) year Service Agreement including option for City to order replacement/restacking as stated in the specification.

Design-Build Plans and Specifications

Design-Build Plans and Specifications may be obtained at:

Office of CIP Engineering
Environmental Services Department
San Jose/Santa Clara Water Pollution Control Plant
700 Los Esteros Road
San Jose CA 95134-1001

at a non-refundable charge of \$50 per set. Please make check payable to the City of San Jose.

Bidders requesting that sets be mailed to them will be charged the full cost of shipping. Addenda, if any, will be provided free of charge to all registered plan holders.

Bidders will have fully inspected the project site in all particulars and become thoroughly familiar with the terms and conditions of the Plans, Specifications and other contract documents and local conditions affecting the performance and/or costs of the work prior to submitting their bid proposal.

Filing of Bids

All bids must be filed with:

Office of the City Clerk
2nd Floor, City Hall Wings
200 E Santa Clara Street
San Jose California 95113

on or before **3:00 pm Thursday, May 24, 2007** as set forth in the specifications. The City Clerk will publicly record all of the proposals received along with the name of the respective design-build firm, at his/her office at 3:00 p.m.

Each bid must be accompanied by cash, a certified check, a cashier's check or a bidder's bond in the sum of not less than 10% of the total aggregate of the bid. Checks shall be made payable to the order of the City of San Jose. Bonds shall be executed by a surety possessing a valid certificate of authority issued by the California Department of Insurance and shall name the City of San Jose as beneficiary. All bids must be addressed to the City Clerk, City of San Jose and shall bear the title or name of the work to be constructed.

Contract Award

The City intends to award a contract for the design, construction and for service and maintenance of the project to the lowest responsible bidder.

Pre-Bid Conference

There will be two pre-bid conference and site visit at:

San Jose/Santa Clara Water Pollution Control Plant
700 Los Esteros Road
San Jose CA 95134

on the following dates:

- 1) **April 26, 2007 at 9:30 am**
- 2) **May 1, 2007 at 9:30 am**

Procedure for Submitting Requests for Clarification, Questions, and Proposed Modifications

The City shall not be responsible for nor be bound by any oral instructions, interpretations or explanations issued by the City or its representatives. All requests for clarification, questions, or proposals for modification of any part of the Bid Package, including but not limited to requests for modifications of the Contract Documents shall be in submitted **via email or facsimile** to and

received by the City at least 14 days before the bid opening date and shall be addressed to the following:

Environmental Services Department
Attn: Mario de Leon/Ting Ong
CIP Engineering
700 Los Esteros Road
San Jose, CA 95134

Re: Fuel Cell System

If a prospective bidder wishes to suggest modifications to specific language in the Bid Package, including any change in the Contract Documents, the prospective bidder shall use the following notation: red and underlined for inserted text; ~~red and strike out for deleted text~~. If modification of the Bid Package is proposed, the prospective bidder should also submit a narrative explanation of the advantages and disadvantages to the City of making the proposed modification. The narrative should include any cost, interface, schedule or other impacts of the proposed modification and describe the prospective bidder's project experience, if any, that is relevant to the proposed modification.

The City reserves the right, in its sole discretion, to accept or reject any or all alternatives proposed by any prospective bidder. The City will provide a written response to all pertinent questions, inquires and proposed modifications in the form of an Addendum.

Addenda and Interpretation

Any City response to a request for clarification or question or City approved modification will be made in the form of an addendum to the Bid package. All addenda shall become part of this Bid Package. Receipt of all addenda shall be acknowledged using Attachment D, "Acknowledgement of Addenda". This form must be completed and returned with the bid.

Deposit of Securities In Lieu Of Retention

Pursuant to the terms and conditions set forth in Public Contracts Code Section 22300, Bidders may substitute certain securities for any money withheld by City as retention to ensure contractor's performance under the contract. Such substitution of securities in lieu of retention shall be at the Bidder's request and at Bidder's sole expense. The securities shall be in an amount equivalent to the retention to be released.

Prevailing Wages

Attention is called to the fact that not less than the general prevailing rate of per diem wages and the general prevailing rates for holiday and overtime work must be paid on this project. Copies of the prevailing rate of per diem wages are on file with the Office of the City Clerk or the Office of Equality Assurance and can be obtained by interested bidders from those offices. All questions regarding prevailing wage should be directed to the Office of Equality Assurance at (408) 535-8430.

Contractor's License Requirements

All prospective bidders are hereby cautioned that the Contractor's State License Law regulates contractor licensing matters. The Contractor, in its bid, shall be required to disclose its license type, number, and expiration date.

Bidders must have a California Contractor's License, Classification A, B or C10 to bid this project.

Nondiscrimination/Nonpreferential Treatment

The Nondiscrimination/Nonpreferential Treatment requirements of Chapter 4.08 of the San Jose Municipal Code apply to this project.

Bond Requirements

Bidder's attention is directed to those provisions of the Specifications which require the contractor to whom the contracts for the work is awarded, to file with the City Clerk at the time the contracts are executed, a Contractor's Payment Bond and a Bond for Faithful Performance for the Design-Build requirements and a Performance Bond for the Service Agreement meeting all the requirements of the Specifications and approved by the City Attorney of the City of San Jose. Bonds shall be executed by a surety possessing a valid certificate of authority issued by the California Department of Insurance and shall name the City of San Jose as beneficiary. The Contractor's Faithful Performance Bond for the Design-Build contract shall be for 100% of the contract price that item and the Contractor's Faithful Performance Bond for the Service Agreement shall be 100% of the contract price for that item including all options. The Contractor's Payment Bond shall be for 100% of the contract price for the Design-Build contract.

By order of the Council of the City of San Jose.

Dated: _____

City of San Jose

A Municipal Corporation of the State of California

By: _____
City Clerk